

Defendants.

OPINION & ORDER
[Resolving Doc. Nos. [35](#), [39](#).]

-1-

Case No. 1:08-CV-1860
Gwin, J.

August 2, 2007 judgment to reflect the fact that the earlier case should have been dismissed *without prejudice*.

IT IS SO ORDERED.

Dated: March 23, 2009

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE